

Notice of Allowability

Application No.

09/609,142

Examiner

Narayanswamy Subramanian

Applicant(s)

FORLAI, LUIGI

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2006.
2. ☒ The allowed claim(s) is/are 1, 62-72 and 74-96.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This communication is in response to Applicant's communication filed on November 13, 2006. Amendments to claims 1, 62, 83 and 90 have been entered. Claims 1, 62-72 and 74-96 are pending in this application.

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Odom et al, US Patent 6,058,379) teaches a method of making a sale offer over an electronic network system, including the steps of completing the sale of the product or service through the electronic network system in response to an acceptance of the offer by a buyer within the predetermined period of time and removing the offer from the electronic network system should the buyer not accept the offer within the predetermined period of time.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method of making a sale offer over an electronic network system including the steps of randomly generating an offer to purchase a product or service on the electronic network system at an offer price that is substantially equal to a delivery price associated sending the offered product or service to the buyer, the delivery price being less than a current value of the offered product or service in a competitive market and communicating the randomly generated offer through the electronic network system at an unknown start time and for a predetermined duration of time to one or more potential buyers connected to the electronic network system. For these reasons claim 1 is deemed to be allowable over the prior art of record.

The prior art of record (Odom et al, US Patent 6,058,379) teaches a method of making a sale offer over an electronic network system, comprising providing an opportunity for the one or more

Art Unit: 3692

potential recipients on the electronic network system to accept the at least one randomly displayed offer within a limited duration of time; receiving an indication of acceptance of the randomly displayed offer from the one or more potential recipients on the electronic network system; completing the sale of the product or service through the electronic network system in response to an acceptance of the offer by the one or more potential recipients on the electronic network system; and removing the offer from the electronic network system should the one or more potential recipients not accept the offer within the limited duration of time.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method of making a sale offer over an electronic network system including the step of randomly displaying at least one offer to accept a product or service at an offer price substantially equal to a delivery price of the offered product or service to a one or more potential recipients on the electronic network system at an unknown start time, the delivery price being less than a current value of the offered product or service in a competitive marketplace. For these reasons claim 62 is deemed to be allowable over the prior art of record, and claims 63-72 and 74-82 are allowed by way of dependency on the allowed claim.

The prior art of record (Odom et al, US Patent 6,058,379) teaches a method of randomly offering products or services over an electronic network system, comprising providing an opportunity for the one or more potential recipients on the electronic network system to accept the randomly displayed offer within a predetermined duration of time; receiving an indication of acceptance of the randomly displayed offer from the one or more potential recipients on the electronic network system; completing the sale of the product or service through the electronic network system in response to an acceptance of the offer by the one or more potential recipients on the electronic network system; and

removing the offer from the electronic network system should the one or more potential recipients not accept the offer within the predetermined duration of time.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method of randomly offering products or services over an electronic network system, including the step of providing a random frequency device for randomly displaying an offer to one or more potential recipients on the electronic network system to accept a product or service at a price substantially equal to zero, the randomly displayed offer having an unpredictable start time. For these reasons claim 83 is deemed to be allowable over the prior art of record, and claims 84-89 are allowed by way of dependency on the allowed claim.

The prior art of record (Odom et al, US Patent 6,058,379) teaches a method of randomly offering products or services over an electronic network system, comprising providing an opportunity for the one or more potential recipients on the electronic network system to accept the randomly displayed offer within a predetermined duration of time; receiving an indication of acceptance of the randomly displayed offer from the one or more potential recipients on the electronic network system; completing the sale of the product or service through the electronic network system in response to an acceptance of the offer by the one or more potential recipients on the electronic network system; and removing the offer from the electronic network system should the one or more potential recipients not accept the offer within the predetermined duration of time.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method of randomly offering products or services over an electronic network system, including the step of randomly displaying an offer to one or more potential recipients on the electronic network system to accept a product or service

Art Unit: 3692

at a price substantially equal to zero plus a cost associated with shipping the product or service to the buyer, the randomly displayed offer having an unpredictable start time. For these reasons claim 90 is deemed to be allowable over the prior art of record, and claims 91-96 are allowed by way of dependency on the allowed claim.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Smith (US Patent 6,502,076 B1) (December 31, 2002) System and Methods for displaying Product Promotions.

(b) Bigus et al. (US Patent 6,401,080 B1) (June 4, 2002) Intelligent Agent with Negotiation Capability and Method of Negotiation Therewith.

(c) Fano (US Patent 6,317,718 B1) (November 13, 2001) System, Method and article of manufacture for Location-Based Filtering for Shopping Agent in the Physical World.

(d) Donoho et al. (US Patent 6,356,936 B1) (March 12, 2002) Relevance Clause for Computed Relevance Messaging.

(e) Jones et al. (US Patent 5,978,013) (November 2, 1999) Apparatus and Method for Generating Product Coupons in Response to Televised Offers.


(f) Cragun et al. (US Patent 5,504,675) (April 2, 1996) Method and apparatus for automatic Selection and Presentation of Sales Promotion Programs.

(g) Johnsen (US Patent 5,250,789) (October 5, 1993) Shopping Cart.

(h) Hagiwara et al. (JP 56027474 A) (March 17, 1981) Information Guidance Screen Registration System.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dr. N. Subramanian
Primary Examiner
Art Unit 3692

January 8, 2007